IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 5525 of 2004(G)

PETITIONERS:

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1. **T.G.RAVAMMA, PHARMACIST GR.I.,**
   GOVERNMENT HOMEO DISPENSARY,
   PERUMBALAM.

2. **P.L.IDA, PHARMACIST, GR.I,**
   GOVERNMENT HOMEO DISPENSARY,
   NARAKKAL P.O.

3. **ROSE JANET, PHARMACIST GR.I,**
   GOVERNMENT HOMEO DISPENSARY,
   KANDALLOR.

4. **K.R.PRASAD, PHARMACIST GR.I.**
   GOVERNMENT HOMEO DISPENSARY,
   PATTANAKKAD.

5. **B.PRASANNAKUMARI,**
   PHARMACIST GR.I,
   GOVERNMENT HOMEO DISPENSARY,
   KUTHITHODE.

6. **K.BABU,**
   PHARMACIST GR.I.,
   GOVERNMENT HOMEO DISPENSARY,
   PURAKKAD.

7. **ANTONY MICHAEL,**
   PHARMACIST (HR.GR.),
   GOVERNMENT HOMEO DISPENSARY,
   KAYAMKULAM.

8. **P.X.MATHEW,**
   PHARMACIST HIGHER GRADE,
   GOVERNENT HOMEO DISPENSARY,
   THALAVADY.

9. **V.M.MOLLY,**
   PHARMACIST HIGHER GRADE,
   GOVERNMENT HOMEO DISPENSARY,,
   VEZHAPRA.

10. **K.S.IDAMMA,**
    PHARMACIST HIGHER GRADE,
    GOVERNMENT HOMEO DISPENSARY,
    PALLIPPAD.

11. **K.S.GEETHA KUMARI,**
    PHARMACIST SENIOR GRADE,
    GOVERNMENT HOMEO DISPENSARY,
    MUTHUKULAM.

12. **J.OMANA,**
    PHARMACIST GRADE I,
    CHERITHARA P.O.
    ANARY,
    ALAPPUZHA.

13. **K.GOMATHI AMMA,**
    PHARMACIST GRADE I,
    GOVERNMENT HOMEO DISPENSARY,
    PANDANAD.

14. **S.SUNITHA,**
    PHARMACIST,
    GOVERNMENT HOMEO DISPENSARY,
    MADAPPALLY,
    KOTTAYAM.

15. **P.GEETHA,**
    PHARMACIST,
    GOVERNMENT HOMEO DISPENSARY,
    HARIPPAD.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR).

RESPONDENTS:
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1. **STATE OF KERALA REP. BY ITS**
   CHIEF SECRETARY,
   GOVERNMENT OF KERALA,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

W.P.(C). NO.5525/2004:

2. THE PRINCIPAL SECRETARY,
FINANCE (PRC.C) DEPARTMENT,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HOMOEOPATHY,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. N. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5525/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE APPENDIX ATTACHED TO THE ORDER ISSUED BY THE D.M.O., ALAPPUZHA DT. NIL.

EXT.P.2: COPY OF THE G.O. (MS). NO.971/2000/(77)/FIN. DTD. 20/06/2000.

EXT.P.3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS TO THE FINANCE SECY., GOVT. OF KERALA DTD. 08/08/2001.

EXT.P.4: COPY OF THE ORDER ISSUED BY THE R.2. TO THE P.7 BEARING NO. 46229/PRC.C2/2001/FIN. DTD. 08/06/2001.

EXT.P.5: COPY OF THE ORDER ISSUED BY THE R.2. TO THE P.5. BEARING NO. 61874/PRC.C2/2001/FIN. DTD. 01/11/2001.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.5525 OF 2004-G

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Dated this the 13th day of July, 2007.

JUDGMENT

Petitioners seek to quash Exts.P4 and P5 orders. They also seek a declaration that Pharmacists Grade I in the Homoeopathy Department are entitled to pay scale of Rs.4500-7000.

2. An evaluation of the pleadings of the petitioners contrasted with that of the counter affidavit will clearly show that the duties and responsibilities of the various grades for which the petitioners seek equation are different. It is also the definite but uncontroverted

contention of the respondents that there could not be any comparison of the duties and responsibilities of the Pharmacists on the one hand and the Nurses on the other and still further that the fixation of a particular pay scale as that of the Pharmacists Grade II does not necessarily require the consequential revision of the pay scale of Pharmacists Grade I. While the nature of duties and responsibilities of Nurses Grade I and Grade II in the Homoeopathy Department and the Pharmacists Grade I and II in that Department cannot be equated, there can be no legal compulsion on the respondents to grant a particular scale of pay or equation as sought for by the petitioners. No infraction of any constitutional provision or statutory provision has been sustainably pointed out.

In the result, the writ petition fails. The same is accordingly dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-